

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WILLIAM JOSEPH WEBB, JR.,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 07-31-GMS
)	
FIRST CORRECTIONAL MEDICAL,)	JURY TRIAL REQUESTED
et al.,)	
)	
Defendants.)	

STATE DEFENDANTS' ANSWER TO THE COMPLAINT

COME NOW State Defendants Ruth Ann Minner and Stanley W. Taylor ("State Defendants"), by and through the undersigned counsel, and hereby answer the Complaint:

IV. Statement of Claim

1. Denied that State Defendants Minner and Taylor were aware of Plaintiff's medical needs. Denied that Plaintiff was denied medical care by State Defendants. Denied that Plaintiff was denied medical care by State Defendants to save money or for any other reason. State Defendants are currently without sufficient information to admit or deny allegations pertaining to Defendant Wolken. The allegations pertaining to Dr. Ali are not directed to State Defendants and therefore no response is required. To the extent that a response is required, the allegations are denied. The claims pertaining to grievances have been dismissed pursuant to Court Order dated May 7, 2007 [D.I. 9] and therefore no response is required. To the extent that a response is required, the allegations are denied.

2. The allegations pertaining to unidentified medical personnel are not directed to State Defendants and therefore no response is required. To the extent that a response is required, the allegations are denied. The claims pertaining to grievances have been dismissed pursuant to Court Order dated May 7, 2007 [D.I. 9] and therefore no response is required. To the extent that a response is required, the allegations are denied.

3. Denied that State Defendants Minner and Taylor were aware of Plaintiff's medical needs. Denied that State Defendants Minner and Taylor were negligent and further denied that they were deliberately indifferent to Plaintiff's medical needs. Denied that Plaintiff is or was under the care" of State Defendants Minner and Taylor. The remaining allegations set forth in this paragraph are not directed to State Defendants and therefore no response is required. To the extent that a response is required, the allegations are denied.

4. The allegations set forth in this paragraph are not directed to State Defendants and therefore no response is required. To the extent that a response is required, the allegations are denied.

5. The allegations set forth in this paragraph are not directed to State Defendants and therefore no response is required. To the extent that a response is required, the allegations are denied.

6. The claims set forth in this paragraph have been dismissed pursuant to Court Order dated May 7, 2007 [D.I. 9] and therefore no response is required. To the extent that a response is required, the allegations are denied.

7. The allegations pertaining to medical providers and unidentified medical personnel are not directed to State Defendants and therefore no response is required. To

the extent that a response is required, the allegations are denied. The claims pertaining to grievances have been dismissed pursuant to Court Order dated May 7, 2007 [D.I. 9] and therefore no response is required. To the extent that a response is required, the allegations are denied.

8. Denied. It is specifically denied that Plaintiff was subjected to cruel and unusual punishment.

RELIEF

9. It is specifically denied that Plaintiff is entitled to compensatory, punitive or any monetary damages.

10. It is specifically denied that Plaintiff is entitled to injunctive, declaratory or any other relief.

DEFENSES

11. Plaintiff has failed to state a claim upon which relief can be granted.
12. Plaintiff has failed to exhaust his administrative remedies.
13. State Defendants are immune from liability under the Eleventh Amendment.

14. State Defendants are entitled to qualified immunity.
15. As to any claims under state law, State Defendants are entitled to immunity under the State Tort Claims Act, 10 Del. C. § 4001, *et seq.*

16. As to any claims under state law, State Defendants are entitled to sovereign immunity.

17. Insufficiency of service of process.
18. Insufficiency of process.

19. Lack of jurisdiction over the person and subject matter.

WHEREFORE, State Defendants respectfully request that judgment be entered in their favor and against Plaintiff as to all claims and that attorney fees be awarded to them.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Eileen Kelly
Eileen Kelly, I.D. #2884
Deputy Attorney General
Carvel State Office Building
820 North French Street, 6th Floor
Wilmington, Delaware 19801
(302) 577-8400
eileen.kelly@state.de.us
Attorney for State Defendants

Date: July 9, 2007

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2007, I electronically filed *Answer to the Complaint* with the Clerk of Court using CM/ECF. I hereby certify that on July 9, 2007, I have mailed by United States Postal Service, the document to the following non-registered party: William Joseph Webb, Jr.

/s/ Eileen Kelly
Deputy Attorney General
Department of Justice
820 N. French St., 6th Floor
Wilmington, DE 19801
(302) 577-8400
eileen.kelly@state.de.us